

REMARKS

Applicants submit this Amendment in reply to the Office Action mailed June 1, 2005. By this Amendment, Applicants amend independent claims 11 and 45 to further define the invention. The originally filed specification and drawings fully support the proposed amendments to independent claims 11 and 45. No new matter has been introduced. Claims 11, 45, 47-57, 59, 60, 62-65, 67, and 68 are pending in this application.

On pages 2-7 of the Office Action, claims 11, 45, 48, 50, 52, and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,666,883 to Sequin et al. ("Sequin") in view of U.S. Patent No. 5,968,052 to Sullivan et al. ("Sullivan"); claims 47 and 49 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sequin in view of Sullivan and further in view of U.S. Patent No. 5,810,837 to Hofman et al. ("Hofman"); claim 51 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sequin in view of Sullivan and further in view of U.S. Patent No. 5,026,377 to Burton et al. ("Burton"); claims 54, 55, 62, and 63 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sequin in view of Sullivan and further in view of U.S. Patent No. 5,306,294 to Winston et al. ("Winston"); and claims 56, 57, 59, 60, 64, 65, 67, and 68 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sequin in view of Sullivan and Winston, and further in view of U.S. Patent No. 5,100,381 to Burns ("Burns"). Applicants respectfully traverse the rejections and assert that none of Sequin, Sullivan, Winston, Hofman, Burton, or Burns, either individually or in combination, recite every aspect of the claimed invention for at least the reasons set forth below.

For example, each of independent claims 11 and 45 recites, among other aspects, “an external tubular structure contact area projecting from a surface of the inner elongated structure and located closer to a proximal end of the stent accommodating area than a distal end of the stent accommodating area, the external tubular structure contact area frictionally sliding against an interior surface of the outer tubular structure.” None of Seguin, Sullivan, Winston, Hofman, Burton, or Burns, either individually or in combination, recites at least this aspect of the claimed invention.

Page 2 of the Office Action asserts that the abutment described in col. 5, lines 28-34 of Seguin “is ‘proximal to’ the stent accommodating area, even if it is located closer to the distal end of the device, since it is near the stent accommodating area.” (Emphasis in original). While Applicants disagree with this assessment, solely in the interests of expediting the prosecution of this application, Applicants have amended independent claims 11 and 45 to clarify that the external tubular structure contact area is “closer to a proximal end of the stent accommodating area than a distal end of the stent accommodating area.” Accordingly, even assuming *arguendo* that the abutment in Seguin corresponds to the external tubular structure contact area of the claimed invention, such an abutment is not located “closer to a proximal end of the stent accommodating area than a distal end of the stent accommodating area.” Indeed, it is most likely that the reverse is true in Seguin, that the abutment is located closer to a distal end of the stent accommodating area than a proximal end of the stent accommodating area, for at least the reasons set forth on pages 3-4 of the Request for Reconsideration After Final filed January 19, 2005 and page 10 of the Amendment After Final filed March 4, 2005. Those reasons are incorporated herein in their entirety.

Moreover, independent claims 11 and 45 recite that the stent accommodating area is accommodating the stent. Sequin does not disclose, either expressly or inherently, any region distal to the abutment in Sequin accommodating a stent.

Sullivan is not relied on to cure the deficiencies in Sequin, nor does Sullivan do so. Furthermore, none of Winston, Hofman, Burton, or Burns remedy at least the aforementioned deficiencies of Sequin and Sullivan. Accordingly, the references do not disclose each and every aspect of the claimed invention, and thus Applicants respectfully request withdrawal of the Section 103(a) rejections.

Claims 47-57, 59, 60, 62-65, 67, and 68 depend from one of independent claims 11 and 45, and are therefore allowable for at least the same reasons that each of those respective independent claims is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by Sequin, Sullivan, Winston, Hofman, Burton, or Burns, or other cited art, and therefore are separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention, as-amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry and consideration of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of pending claims 11, 45, 47-57, 59, 60, 62-65, 67, and 68.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

For example, on page 4 of the Office Action, the Examiner asserts that certain features of claim 52 and 53 are admitted to be in the prior art. Applicants do not necessarily agree with that assertion and reserve the right to refute the assertion should the need arise.

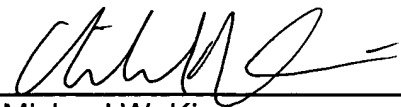
In discussing the specification and claims in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
Michael W. Kim
Reg. No. 51,880